

Message Text

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E.O. 11652: N/A

TAGS: EINV, OECD

SUBJECT: DRAFT PRESS RELEASE ON ACTIVITIES OF COMMITTEE
ON INTERNATIONAL INVESTMENT AND MULTINATIONAL
ENTERPRISES (CIME)

REF: (A) PARIS 7680 (B) PARIS 9338

1. SECRETARIAT HAS CIRCULATED REDRAFT OF SUBJECT
PRESS RELEASE (REFTEL A) INCORPORATING COMMENTS FROM
A NUMBER OF DELEGATIONS. SECRETARIAT IN COVER NOTE TO
PERMANENT DELEGATIONS STATES THAT "IF THIS NOTE IS TO
BE USED, IT WOULD BE ISSUED UNDER RESPONSIBILITY OF
THE SECRETARIAT." COVER NOTE ALSO STATES THAT FURTHER
CONSULTATION AT PERMANENT DELEGATION LEVEL REGARDING
PRESS RELEASE AND POSSIBLE OTHER CONTACTS WITH PRESS
AT APRIL CIME MEETING WILL AWAIT RESULTS OF DISCUSSION
OF THESE ISSUES IN NEW YORK (REFTEL B).

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2. TEXT OF REDRAFT REPEATED BELOW (PARA 3). CHANGES
IN PARAS ONE, THREE, FOUR, NINE AND TEN ARE MINIMAL.
CHANGES IN OTHER PARAGRAPHS REMOVE SOME CONTROVERSIAL
STATEMENTS AND MAKE PRESS RELEASE MORE BALANCED AND
NEUTRAL (FROM USG VIEWPOINT). FOR EXAMPLE, REVISED
PARAGRAPHS TWO AND SEVEN HAVE TONED DOWN LANGUAGE

ON MNE GUIDELINES AND NARRATIVE COMMENTS HAVE BEEN DROPPED FROM PARAGRAPH EIGHT. PLEASE INCLUDE ANY COMMENTS ON THIS NEW DRAFT IN GUIDANCE REQUESTED
REFTEL B.

3. BEGIN TEXT.

NOTE TO EDITORS

THE OECD'S COMMITTEE ON INTERNATIONAL INVESTMENT AND MULTINATIONAL ENTERPRISES WILL MEET ON 11TH-13TH APRIL 1978. DURING THE FIRST DAY OF THIS MEETING, IT WILL HOLD AN EXCHANGE OF VIEWS WITH THE BUSINESS ADVISORY COMMITTEE (BIAC) AND THE TRADE UNION ADVISORY COMMITTEE (TUAC) ON MATTERS RELATED TO THE OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES (MNE'S).

THESE EXCHANGES ARE HELD UNDER THE PROVISION OF THE 1976 OECD COUNCIL DECISION ON INTER-GOVERNMENTAL CONSULTATION PROCEDURES ON THE GUIDELINES FOR MULTINATIONAL ENTERPRISES, WHICH CALLS FOR THE COMMITTEE PERIODICALLY TO INVITE THE BIAC AND TUAC TO EXPRESS THEIR VIEWS ON MATTERS RELATED TO THE GUIDELINES AND FOR THE COMMITTEE TO TAKE ACCOUNT OF SUCH VIEWS IN ITS REPORTS TO THE COUNCIL. AN EARLIER EXCHANGE OF VIEWS WITH THE BIAC AND TUAC WAS HELD IN MARCH OF 1977.

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THE ATTACHED BACKGROUND NOTE PROVIDES INFORMATION ON THE RECENT WORK OF THE OECD IN THE AREA OF INTERNATIONAL INVESTMENT AND MULTINATIONAL ENTERPRISES, IN PARTICULAR, IN RELATION TO THE GUIDELINES AND THE OTHER PARTS OF THE 1976 MINISTERIAL DECLARATION OF THE OECD COUNTRIES.

OECD ACTIVITIES IN THE FIELD OF INTERNATIONAL INVESTMENT AND MULTINATIONAL ENTERPRISES

1. ON 21ST-22ND JUNE, 1976 THE OECD COUNCIL, MEETING AT THE MINISTERIAL LEVEL, AGREED TO STEP UP CO-OPERATION AMONG MEMBER COUNTRIES IN THE AREA OF INTERNATIONAL INVESTMENT AND MULTINATIONAL ENTERPRISES. THIS ACTION CONSISTED OF A DECLARATION OF THE GOVERNMENTS OF OECD MEMBER COUNTRIES, WHICH INCLUDED THE GUIDELINES FOR MULTINATIONAL ENTERPRISES, AND THE THREE RELATED DECISIONS OF THE COUNCIL ON NATIONAL TREATMENT, INTERNATIONAL INVESTMENT INCENTIVES AND DISINCENTIVES, AND INTER-GOVERNMENTAL CONSULTATION PROCEDURES ON THE

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GUIDELINES FOR MULTINATIONAL ENTERPRISES. THE DECLARATION AND THE DECISIONS AIMED AT IMPROVING THE INTERNATIONAL INVESTMENT CLIMATE WITHIN THE OECD AREA THROUGH JOINT UNDERTAKINGS BY THE GOVERNMENTS OF MEMBER COUNTRIES WHICH SHOULD STRENGTHEN CONFIDENCE BETWEEN MULTINATIONAL ENTERPRISES AND MEMBER STATES. THEY AIMED FURTHER AT ENCOURAGING THE POSITIVE CONTRIBUTIONS OF MULTINATIONAL ENTERPRISES TO ECONOMIC AND SOCIAL PROGRESS AND MINIMIZING OR RESOLVING PRESENT OR POTENTIAL DIFFICULTIES THAT MAY RESULT FROM THEIR ACTIVITIES, THROUGH INTERNATIONALLY AGREED GUIDELINES, INTER-GOVERNMENTAL CONSULTATIONS AND REVIEW MECHANISMS. THIS ACTION WAS THE RESULT OF THOROUGH STUDIES AND INTENSIVE NEGOTIATIONS AMONG GOVERNMENTS AS WELL AS CONSULTATIONS WITH THE BUSINESS AND INDUSTRY ADVISORY COMMITTEE (BIAC) AND THE TRADE UNION ADVISORY COMMITTEE (TUAC) WHICH PUBLICLY WELCOMED THE CONCLUSION OF THAT EFFORT. THE CONSENSUS WHICH WAS THUS REACHED IN THE OECD REPRESENTS A COMMON APPROACH ON THE PART OF A GROUP OF COUNTRIES ACCOUNTING FOR MOST INTERNATIONAL

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INVESTMENT IN THE WORLD ECONOMY.

2. THE GUIDELINES FOR MULTINATIONAL ENTERPRISES ARE RECOMMENDATIONS JOINTLY ADDRESSED BY MEMBER COUNTRIES TO MULTINATIONAL ENTERPRISES OPERATING IN THEIR TERRITORIES. THESE GUIDELINES, WHICH TAKE INTO ACCOUNT THE PROBLEMS WHICH CAN ARISE BECAUSE OF THE INTERNATIONAL STRUCTURE OF THESE ENTERPRISES, LAY DOWN STANDARDS FOR THE ACTIVITIES OF SUCH ENTERPRISES IN THE DIFFERENT MEMBER COUNTRIES. OBSERVANCE OF THE GUIDELINES IS VOLUNTARY AND NOT LEGALLY ENFORCEABLE. THEREFORE, THEIR EFFECTIVENESS DEPENDS NOT ONLY ON THE CO-OPERATIVE ACTION OF MEMBER GOVERNMENTS BUT ALSO TO A LARGE EXTENT ON WIDE ACCEPTANCE BY THE ENTERPRISES CONCERNED AND THE CONTINUING SUPPORT OF BUSINESS AND LABOUR ORGANIZATIONS AND THE PUBLIC AT LARGE. TO DATE, THE EVIDENCE AVAILABLE TO THE OECD INDICATES THAT THE GUIDELINES DO HAVE THIS BROAD SUPPORT.

3. AT THE INTER-GOVERNMENTAL LEVEL, THE MEMBER COUNTRIES HAVE ESTABLISHED WITHIN THE OECD THE COMMITTEE ON INTERNATIONAL INVESTMENT AND MULTINATIONAL ENTERPRISES (CIME), WHICH SERVES AS A PERMANENT FORUM FOR PERIODIC DISCUSSIONS AND REVIEWS OF MATTERS RELATING TO THE GUIDELINES AND THEIR APPLICATION AND OF OTHER ISSUES RELATING TO MULTINATIONAL ENTERPRISES AND INTERNATIONAL INVESTMENT. UNDER THE PROCEDURES ESTABLISHED BY THE 1976 DECLARATION AND DECISIONS, THE CIME ALSO SERVES AS THE FORUM IN WHICH ANY MEMBER CAN REQUEST CONSULTATIONS ON MATTERS RELATED TO THE GUIDELINES, NATIONAL TREATMENT AND INTERNATIONAL INVESTMENT INCENTIVES AND DISINCENTIVES. IN 1979 THE OECD COUNCIL WILL REVIEW THE 1976 DECLARATION AND DECISIONS AND THE CIME WILL

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PREPARE PROPOSALS FOR THAT REVIEW.

4. AT THE NATIONAL LEVEL, MEMBER GOVERNMENTS HAVE WIDELY DISSEMINATED THE GUIDELINES IN THEIR NATIONAL LANGUAGES. GOVERNMENTS HAVE ALSO TAKEN APPROPRIATE MEASURES TO COMMEND THE GUIDELINES TO COMPANIES AND BUSINESS AND LABOUR ORGANIZATIONS HAVE ALSO PLAYED A USEFUL ROLE IN DISSEMINATING THE GUIDELINES. IN SOME COUNTRIES SPECIAL ARRANGEMENTS HAVE BEEN MADE FOR EXCHANGES OF VIEWS BETWEEN THE GOVERNMENT AND INTERESTED PARTIES ON THE APPLICATION OF THE GUIDELINES AND THE OTHER ASPECTS OF THE 1976 DECLARATION AND DECISIONS.

5. ON THE INTERNATIONAL LEVEL, THE GUIDELINES HAVE

PROVIDED EXPERIENCE WHICH HAS PROVED USEFUL FOR WORK IN OTHER INTERNATIONAL FORA, IN PARTICULAR THE UNITED NATIONS, THE INTERNATIONAL LABOUR ORGANIZATION AND THE CONFERENCE ON INTERNATIONAL ECONOMIC COOPERATION.

6. WITHIN THE OECD, THE CIME IS DEVOTING CONSIDERABLE EFFORTS TO MATTERS RELATED TO THE APPLICATION OF THE GUIDELINES. IN PARTICULAR, THE COMMITTEE PERIODICALLY INVITES THE BIAC AND TUAC TO EXPRESS THEIR VIEWS ON THESE MATTERS. THE FIRST OF THESE EXCHANGES OF VIEWS TOOK PLACE IN MARCH OF 1977, AND THE SECOND IS SCHEDULED FOR 11TH APRIL OF THIS YEAR. EXCHANGES OF VIEWS AMONG MEMBER GOVERNMENTS ON MATTERS RELATED TO THE GUIDELINES HAVE TAKEN PLACE IN THE MEETINGS OF THE COMMITTEE AND ITS AD HOC WORKING GROUP. ON THE BASIS OF THESE EXCHANGES OF VIEWS, THE COMMITTEE HAS DURING THE PAST YEAR EXAMINED A NUMBER OF ISSUES RELATING TO THE

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APPLICATION OF THE GUIDELINES.

7. THE COMMITTEE CONSIDERED IN SOME DEPTH THE MATERIALS PRESENTED. ITS DISCUSSIONS SOUGHT TO CLARIFY CERTAIN ISSUES RELATING TO THE MEANING OR THE COVERAGE OF THE GUIDELINES AND TO GAIN EXPERIENCE ON THEIR APPLICATION IN CONCRETE SITUATIONS. IT IS IMPORTANT TO NOTE THAT

ACCORDING TO THE PROCEDURES LAID DOWN IN THE 1976 COUNCIL DECISION FOR INTER-GOVERNMENTAL CONSULTATION PROCEDURES ON THE GUIDELINES, THE COMMITTEE SHALL NOT REACH CONCLUSIONS ON THE CONDUCT OF INDIVIDUAL ENTERPRISES; IN OTHER WORDS, IT IS NOT TO SERVE AS A JUDICIAL FORUM. THE COMMITTEE DID NOT SEEK TO INVESTIGATE FURTHER THE FACTS OF THE INDIVIDUAL SITUATIONS PRESENTED TO IT.

8. THE SUBMISSIONS BY GOVERNMENTS AND BY TUAC IN THE 1977 EXCHANGE OF VIEWS HAVE PROVED TO BE VERY USEFUL TO THE COMMITTEE.(1) THE FOLLOWING SEVEN ISSUES WERE IDENTIFIED BY THE COMMITTEE ON THE BASIS OF THESE UNCLASSIFIED

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SUBMISSIONS: (2)

(1) IT SHOULD BE RECALLED THAT THE DECISION ON INTER-GOVERNMENTAL CONSULTATION PROCEDURES ON THE GUIDELINES FOR MULTINATIONAL ENTERPRISES PROVIDES FOR DIFFERENT PROCEDURES GOVERNING THE TREATMENT OF SUBMISSIONS BY MEMBER GOVERNMENTS AND SUBMISSIONS BY BIAC OR TUAC. PARAGRAPH 1 OF THAT DECISION CALLS FOR THE COMMITTEE TO HOLD AN EXCHANGE OF VIEWS ON MATTERS RELATED TO THE GUIDELINES AT THE REQUEST OF A MEMBER COUNTRY. PARAGRAPH 2 CALLS FOR THE COMMITTEE TO INVITE PERIODICALLY THE BIAC AND TUAC TO EXPRESS THEIR VIEWS ON MATTERS RELATED TO THE GUIDELINES.

(2) UNLESS OTHERWISE STATED, PARAGRAPH CITATIONS REFER TO THE SECTION "EMPLOYMENT AND INDUSTRIAL RELATIONS" OF THE GUIDELINES.

(I) RELATIONS BETWEEN MULTINATIONAL ENTERPRISES AND TRADE UNIONS OR OTHER BONA FIDE EMPLOYEE ORGANIZATIONS (PARAGRAPHS 1 AND 2).

(II) APPLICATION BY MULTINATIONAL ENTERPRISES OF COMPARABLE STANDARDS OF EMPLOYMENT AND INDUSTRIAL RELATIONS (PARAGRAPH 4).

(III) CHANGES IN OPERATIONS (PARAGRAPH 6).

(IV) THREATS AND PRESSURES THAT MIGHT BE USED BY MANAGEMENT IN ORDER TO INFLUENCE UNFAIRLY BONA FIDE NEGOTIATIONS WITH EMPLOYEES ON CONDITIONS OF EMPLOYMENT (PARAGRAPH 8).

(V) ACCESS TO DECISION-MAKERS (PARAGRAPH 9).

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(VI) APPLICATION OF PARAGRAPH 1 OF THE SECTION ON
"SCIENCE AND TECHNOLOGY".

(VII) RESPONSIBILITY OF THE PARENT COMPANY IN THE
CONTEXT OF THE APPLICATION OF THE GUIDELINES.

WITH THE EXCEPTION OF THE LAST TWO ITEMS, THE ABOVE
ISSUES RELATE TO THE "EMPLOYMENT AND INDUSTRIAL
RELATIONS" CHAPTER OF THE GUIDELINES. IT SHOULD BE
NOTED THAT IT IS THE TASK OF THE COMMITTEE TO DEAL WITH
THE WHOLE RANGE OF THE GUIDELINES AND THUS THERE WILL
BE FUTURE WORK ON THE OTHER CHAPTERS, THAT IS, "GENERAL
POLICIES", "DISCLOSURE OF INFORMATION", "COMPETITION",
"FINANCING" AND "TAXATION".

9. IN ADDITION TO THE GUIDELINES, THE 1976 DECLARATION
AND DECISIONS ALSO INCLUDE PROVISIONS ON NATIONAL
TREATMENT AND INTERNATIONAL INVESTMENT INCENTIVES AND
DISINCENTIVES. WITH RESPECT TO THE NATIONAL TREATMENT
INSTRUMENTS, THE COMMITTEE IS CONDUCTING
A COMPREHENSIVE OVERVIEW OF EXISTING EXCEPTIONS TO
NATIONAL TREATMENT IN MEMBER COUNTRIES, THAT IS,
INSTANCES WHERE FOREIGN-CONTROLLED ENTERPRISES OPERATING
IN THEIR TERRITORIES ARE TREATED LESS FAVOURABLY

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THAN DOMESTICALLY-CONTROLLED ENTERPRISES. THIS SURVEY IS BASED ON NOTIFICATIONS SUBMITTED BY THE INDIVIDUAL MEMBER COUNTRIES ON THE BASIS OF THE SITUATION EXISTING AT THE TIME OF THE JUNE 1976 DECLARATION AND DECISIONS. THE NOTIFICATIONS DESCRIBED EXCEPTIONS THAT EXIST IN SUCH AREAS AS NEW INVESTMENTS BY FOREIGN-CONTROLLED RESIDENT FIRMS, ACCESS TO GOVERNMENT SUBSIDIES AND INCENTIVES, GOVERNMENT CONTRACTING AND PURCHASING, TAXATION AND EXCHANGE CONTROLS. ANY NEW EXCEPTION TO "NATIONAL TREATMENT" WHICH MAY BE INTRODUCED BY A MEMBER COUNTRY IS TO BE NOTIFIED TO THE ORGANIZATION ALONG WITH THE SPECIFIC REASONS FOR THE MEASURE AND ITS PROPOSED DURATION. THE RELEVANT 1976 DECISION ALSO CALLS FOR THE COMMITTEE TO ACT AS A FORUM FOR CONSULTATIONS AT THE REQUEST OF A MEMBER COUNTRY, IN RESPECT OF ANY MATTER RELATED TO THE NATIONAL TREATMENT INSTRUMENT AND ITS IMPLEMENTATION, BUT TO DATE THE COMMITTEE HAS RECEIVED NO SUCH REQUESTS.

10, AT ITS FORTHCOMING APRIL MEETING, THE COMMITTEE
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WILL HOLD A GENERAL EXCHANGE OF VIEWS AS REGARDS TO INTERNATIONAL INVESTMENT INCENTIVES AND DISINCENTIVES. THE 1976 DECISION ON INTERNATIONAL INVESTMENT INCENTIVES AND DISINCENTIVES PROVIDES FOR CONSULTATIONS WITHIN THE COMMITTEE AT THE REQUEST OF A MEMBER COUNTRY WHICH CONSIDERS THAT ITS INTERESTS MAY BE ADVERSELY AFFECTED BY THE IMPACT ON ITS FLOW OF INTERNATIONAL DIRECT INVESTMENTS OF MEASURES TAKEN BY ANOTHER MEMBER COUNTRY SPECIFICALLY DESIGNED TO PROVIDE INCENTIVES OR DISINCENTIVES FOR INTERNATIONAL DIRECT INVESTMENT. THE SECTION OF THE 1976 DECLARATION RELATING TO INVESTMENT INCENTIVES AND DISINCENTIVES CALLS FOR STRENGTHENED CO-OPERATION BETWEEN MEMBER COUNTRIES IN THIS FIELD, THE TRANSPARENCY OF SUCH MEASURES, AND GIVING DUE WEIGHT TO THE INTERESTS OF MEMBER COUNTRIES AFFECTED BY SUCH MEASURES. END TEXT.

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